

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

|  |   |                 |
|--|---|-----------------|
| KENYATTA JOHNSON, Individually           | ) |                 |
| and as a 2008 Democratic Party           | ) |                 |
| Primary Candidate for State              | ) | Civil Action    |
| Representative and Elector               | ) | No. 08-cv-01748 |
| and on Behalf of All Citizens            | ) |                 |
| Within the 186 <sup>th</sup> Legislative | ) |                 |
| District and All Citizens                | ) |                 |
| of Philadelphia, and                     | ) |                 |
| DAMON K. ROBERTS, Individually           | ) |                 |
| and as a 2007 Democratic Party           | ) |                 |
| Candidate for a Philadelphia             | ) |                 |
| City Council and Elector and             | ) |                 |
| on Behalf of All Citizens                | ) |                 |
| Within the Second Councilmanic           | ) |                 |
| District and all Citizens of             | ) |                 |
| Philadelphia,                            | ) |                 |
|  | ) |                 |
| Plaintiffs                               | ) |                 |
|  | ) |                 |
| vs.                                      | ) |                 |
|  | ) |                 |
| CITY AND COUNTY OF                       | ) |                 |
| PHILADELPHIA,                            | ) |                 |
|  | ) |                 |
| Defendant                                | ) |                 |

O R D E R

NOW, this 27<sup>th</sup> day of September, 2010, upon  
consideration of the following motions and documents:

- (1) Defendant's Second Motion for Summary Judgment filed October 20, 2009, together with Memorandum of Law in Support of Defendant's Second Motion for Summary Judgment, Statement of Undisputed Facts, and accompanying exhibits; and
- (2) Plaintiffs' Memorandum in Opposition to Defendants' Motion for Summary Judgment, which memorandum was filed November 11, 2009, together with Plaintiffs' Response to

Defendant's Statement of Undisputed Facts  
and accompanying exhibits;<sup>1</sup>

after oral argument conducted before the undersigned on  
January 13, 2010; and for the reasons articulated in the  
accompanying Opinion,

IT IS ORDERED that Defendant's Second Motion for  
Summary Judgment is granted.

IT IS FURTHER ORDERED that judgment on all of  
plaintiffs' claims is entered in favor of defendant City and  
County of Philadelphia and against plaintiffs Kenyatta Johnson  
and Damon K. Roberts.

IT IS FURTHER ORDERED that the Clerk of Court shall  
mark this case closed for statistical purposes.

BY THE COURT:

/s/ James Knoll Gardner  
James Knoll Gardner  
United States District Judge

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<sup>1</sup> Plaintiffs supplemented their memorandum in opposition by letter  
filed January 21, 2010, which attached a slip copy of Citizens United v.  
Federal Election Commission, \_\_\_ U.S. \_\_\_, 130 S.Ct. 876, 175 L.Ed.2d 753  
(2010); and by letter filed June 19, 2010, which attached a slip copy of  
United States v. Marcavate, 609 F.3d 264 (3d Cir. 2010).